



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

OFFICE OF
GENERAL COUNSEL

Austin R. Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005

Re: Freedom of Information Act Request No. EPA-HQ-2018-010843, Interim Release

Dear Mr. Evers:

Thank you very much for your interest in the Environmental Protection Agency (EPA or Agency). This correspondence references the above Freedom of Information Act (FOIA) request that was submitted on August 22, 2018. You requested records related to the Agency's use of the term "reasonably described." You clarified that this request was for internal discussions of the use of "reasonably described." You contrasted this request with your other request, EPA-HQ-2018-010844, that seeks records reflecting the use of the term "reasonably described" when communicating with FOIA requesters. Please note that this is an interim response, and the EPA continues to work on your request.

Today we are releasing 31 records related to your request. This release includes documents that have been partially withheld. The reasons for the withholdings are printed over the redactions. Should you wish to appeal any withholding determination, you will have the opportunity to do so. We will provide you with appeal rights at the time of the final production.

Again, your request is not being closed at this time. When your request is closed, you will receive information concerning your appeal rights for any part of EPA's response. If you have any questions about this interim production or your request generally, please contact Christopher Creech at creech.christopher@epa.gov or by phone at 202-564-4286. You may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; by email, ogis@nara.gov; by telephone, (202) 741-5770 or (877) 684-6448; or by fax: (202) 741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Epp", is positioned below the word "Sincerely,".

Timothy Epp

Message

From: Rivers, Tahani [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B83CB290F8B47E79093F897562B2658-RIVERS, TAHANI]
Sent: 5/10/2018 3:14:35 PM
To: Clarke, Victoria [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Clarke, Victoria]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Bunnell, Julia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=07e03e4b1d4a4a44be575b8d613c5532-Jbunnell]; Schefski, Melissa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c5b5d99a44cd491d99fcca65be54e601-Katz, Melissa]; Kodish, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1c291cb168784a25b4e3575df4b94915-Kodish, Jeff]
CC: Miller, Anthony [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22a9c0f41174b28bb0dbf0c5a21a8ef-Miller, Anthony]
Subject: RE: PES FOIA - Please Send Any Comments on Letter by COB, 5/14

Thanks for clarifying **Attorney Client / Ex. 5**

Tahani Rivers, Attorney-Advisor
U.S. Environmental Protection Agency
5 Post Office Square
Mail Code: OES04-3
Boston, MA 02109-3912
Phone Number: 617.918.1299

Notice: This message may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release this message under FOIA without appropriate review. If this message has been received by you in error, please advise the sender immediately by reply email and delete this message and any attachments from your machine and all storage media whether electronic or hard copy. Thank you.

From: Clarke, Victoria
Sent: Thursday, May 10, 2018 11:02 AM
To: Rivers, Tahani <Rivers.Tahani@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>
Cc: Miller, Anthony <Miller.Anthony@epa.gov>
Subject: RE: PES FOIA - Please Send Any Comments on Letter by COB, 5/14

Attorney Client / Ex. 5

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
202-564-1149

From: Rivers, Tahani
Sent: Thursday, May 10, 2018 10:58 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>
Cc: Miller, Anthony <Miller.Anthony@epa.gov>
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Hi Victoria,

I was previously advised by an attorney in the OGC FOIA office commenting on a different FOIA I am assigned to, that

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Can you please advise

Attorney Client / Ex. 5

Thank you,

Tahani

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Sent: Thursday, May 10, 2018 10:43 AM
To: Rivers, Tahani <Rivers.Tahani@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>
Cc: Miller, Anthony <Miller.Anthony@epa.gov>
Subject: RE: PES FOIA - Please Send Any Comments on Letter by COB, 5/14

A rather big and substantial edit:

Attorney Client / Ex. 5

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
202-564-1149

From: Rivers, Tahani
Sent: Thursday, May 10, 2018 10:33 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>
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All,

Attached is the letter to Mr. Renshaw informing him that we plan to Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5
Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5 Thanks to Julia for drafting it. The attached version includes my minor edits. If any of you have any edits, can you please let me know by COB, Monday? Also, Jeff, I asked Julia to please check with Phill to see if he wants to sign it. If he doesn't, are you fine w/me signing it, or would you prefer to do so?

Thanks,

Tahani

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Hi Tahani,

Unfortunately, I don't have any model documents of a still interested letter.

The FOIA Toolkit Appendix (attached) has plenty of sample letters, which can be adapted to incorporate OIP's "Still Interested" Inquiry checklist: <https://www.justice.gov/oip/oip-guidance-7>.

Between the two, you should have the means to craft the letter, though if you need additional assistance, don't hesitate to ask.

Victoria

Victoria Clarke
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U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
202-564-1149

From: Rivers, Tahani
Sent: Thursday, May 03, 2018 4:29 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>
Subject: RE: EPA FOIA Request

All,

To close the loop, we briefed our division director,

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5
Attorney Client / Ex. 5

Attorney Client / Ex. 5

Victoria, do you have any model documents we may use to carry out the next steps concerning this option?

Thanks, Tahani

Tahani Rivers, Attorney-Advisor
U.S. Environmental Protection Agency
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Boston, MA 02109-3912
Phone Number: 617.918.1299

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Sent: Thursday, May 03, 2018 7:09 AM

To: Stahle, Susan <Stahle.Susan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>

Subject: RE: EPA FOIA Request

All,

FYI, unfortunately Mr. Renshaw has not followed up by phone, as he indicated he'd do below. We'll review with our management later today, the

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Thank you,

Tahani

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From: Stahle, Susan
Sent: Monday, April 30, 2018 4:45 PM
To: Bunnell, Julia <Bunnell.Julia@epa.gov>; Rivers, Tahani <Rivers.Tahani@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>
Subject: RE: EPA FOIA Request

Progress! ☺

Susan Stahle
Attorney-Advisor
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-1272 (ph)
202-564-5603 (fax)
stahle.susan@epa.gov

From: Bunnell, Julia
Sent: Monday, April 30, 2018 3:51 PM
To: Rivers, Tahani <Rivers.Tahani@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>
Subject: FW: EPA FOIA Request

From: jarrett.renshaw@thomsonreuters.com [mailto:jarrett.renshaw@thomsonreuters.com]
Sent: Monday, April 30, 2018 3:41 PM
To: Bunnell, Julia <Bunnell.Julia@epa.gov>
Cc: Rivers, Tahani <Rivers.Tahani@epa.gov>
Subject: RE: EPA FOIA Request

Thanks for reaching out, on a few occasions. I promise I will call tomorrow and resolve.

Jarrett Renshaw
National Energy Markets Reporter
Reuters
jarrett.renshaw@thomsonreuters.com
Office: (646) 223-6193
Cell: Personal Matters / Ex. 6
Twitter: Personal Matters / Ex. 6
IM: Personal Matters / Ex. 6

From: Bunnell, Julia [mailto:Bunnell.Julia@epa.gov]
Sent: Monday, April 30, 2018 3:40 PM
To: Renshaw, Jarrett (Reuters)
Cc: Rivers, Tahani
Subject: FW: EPA FOIA Request

Dear Mr. Renshaw,

Please note that the phone number for Ms. Rivers is 617-918-1299, corrected from the number below.

Thank you.

Julia

Julia Bunnell
Legal Case/Project Manager
Air Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
(202) 564-1317

From: Bunnell, Julia
Sent: Monday, April 30, 2018 2:56 PM
To: 'jarrett.renshaw@thomsonreuters.com' <jarrett.renshaw@thomsonreuters.com>
Cc: Rivers, Tahani <Rivers.Tahani@epa.gov>
Subject: EPA FOIA Request

Dear Mr. Renshaw,

I am writing regarding your FOIA request to EPA, number EPA-HQ-2018-005398. Per the letter that we sent you via the FOIAOnline system on April 5th, as well as the voicemail left you by Tahani Rivers on April the 18th, we would like to know if you are still interested in obtaining the information in your request and if so we have some questions regarding the scope of the request and are anxious to touch base with you. Please contact Ms. Rivers at 616-918-1299 or by e-mail at rivers.tahani@epa.gov.

In the event that you do not reach Ms. Rivers, please feel free to contact me at the number below or by return e-mail.

Best Regards,

Julia

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Message

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CC: Miller, Anthony [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22a9c0f41174b28bb0dbf0c5a21a8ef-Miller, Anthony]
Subject: PES FOIA - Please Send Any Comments on Letter by COB, 5/14
Attachments: PES FOIA - 5.10.18 - Clean Version.docx

All,

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Thanks,

Tahani

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5 Post Office Square
Mail Code: OES04-3
Boston, MA 02109-3912
Phone Number: 617.918.1299

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Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Victoria, Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Thanks, Tahani

Tahani Rivers, Attorney-Advisor
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National Energy Markets Reporter
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jarrett.renshaw@thomsonreuters.com

Office: [Personal Matters / Ex. 6]

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Thanks very much, Victoria.

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Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency

AMERICAN
OVERSIGHT

EPA-18-0447-A-000012

ED_002194_00000210-00001

Office of General Counsel
Washington, D.C. | 7348 WJCN
202-564-1149

From: Rivers, Tahani

Sent: Thursday, May 03, 2018 4:29 PM

To: Stahle, Susan <Stahle.Susan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>

Subject: RE: EPA FOIA Request

All,

To close the loop, we briefed our division director, and he

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5
Attorney Client / Ex. 5

Attorney Client / Ex. 5

Victoria, do you have any model documents we may use to carry out the next steps concerning this option?

Thanks, Tahani

Tahani Rivers, Attorney-Advisor
U.S. Environmental Protection Agency
5 Post Office Square
Mail Code: OES04-3
Boston, MA 02109-3912
Phone Number: 617.918.1299

Notice: This message may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release this message under FOIA without appropriate review. If this message has been received by you in error, please advise the sender immediately by reply email and delete this message and any attachments from your machine and all storage media whether electronic or hard copy. Thank you.

From: Rivers, Tahani

Sent: Thursday, May 03, 2018 7:09 AM

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Subject: RE: EPA FOIA Request

All,

FYI, unfortunately Mr. Renshaw has not followed up by phone as he indicated he'd do below. We'll review with our management later today.

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Thank you,

Tahani

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Boston, MA 02109-3912
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From: Stahle, Susan
Sent: Monday, April 30, 2018 4:45 PM
To: Bunnell, Julia <Bunnell.Julia@epa.gov>; Rivers, Tahani <Rivers.Tahani@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>
Subject: RE: EPA FOIA Request

Progress! ☺

Susan Stahle
Attorney-Advisor
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-1272 (ph)
202-564-5603 (fax)
stahle.susan@epa.gov

From: Bunnell, Julia
Sent: Monday, April 30, 2018 3:51 PM
To: Rivers, Tahani <Rivers.Tahani@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>
Subject: FW: EPA FOIA Request

From: jarrett.renshaw@thomsonreuters.com [<mailto:jarrett.renshaw@thomsonreuters.com>]
Sent: Monday, April 30, 2018 3:41 PM
To: Bunnell, Julia <Bunnell.Julia@epa.gov>
Cc: Rivers, Tahani <Rivers.Tahani@epa.gov>
Subject: RE: EPA FOIA Request

Thanks for reaching out, on a few occasions. I promise I will call tomorrow and resolve.

Jarrett Renshaw
National Energy Markets Reporter
Reuters
jarrett.renshaw@thomsonreuters.com
Office: (646) 223-6193

Cell: [Personal Matters / Ex. 6](#)
Twitter: [Personal Matters / Ex. 6](#)
IM: [Personal Matters / Ex. 6](#)

From: Bunnell, Julia [<mailto:Bunnell.Julia@epa.gov>]
Sent: Monday, April 30, 2018 3:40 PM
To: Renshaw, Jarrett (Reuters)
Cc: Rivers, Tahani
Subject: FW: EPA FOIA Request

Dear Mr. Renshaw,

Please note that the phone number for Ms. Rivers is 617-918-1299, corrected from the number below.

Thank you.

Julia

Julia Bunnell
Legal Case/Project Manager
Air Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
(202) 564-1317

From: Bunnell, Julia
Sent: Monday, April 30, 2018 2:56 PM
To: 'jarrett.renshaw@thomsonreuters.com' <jarrett.renshaw@thomsonreuters.com>
Cc: Rivers, Tahani <Rivers.Tahani@epa.gov>
Subject: EPA FOIA Request

Dear Mr. Renshaw,

I am writing regarding your FOIA request to EPA, number EPA-HQ-2018-005398. Per the letter that we sent you via the FOIAOnline system on April 5th, as well as the voicemail left you by Tahani Rivers on April the 18th, we would like to know if you are still interested in obtaining the information in your request and if so we have some questions regarding the scope of the request and are anxious to touch base with you. Please contact Ms. Rivers at 616-918-1299 or by e-mail at rivers.tahani@epa.gov.

In the event that you do not reach Ms. Rivers, please feel free to contact me at the number below or by return e-mail.

Best Regards,

Julia

Julia Bunnell
Legal Case/Project Manager
Air Enforcement Division
Office of Civil Enforcement

US Environmental Protection Agency
(202) 564-1317

Message

From: Clarke, Victoria [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CLARKE, VICTORIA]
Sent: 5/4/2018 12:35:16 PM
To: Rivers, Tahani [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0b83cb290f8b47e79093f897562b2658-Rivers, Tahani]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Bunnell, Julia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=07e03e4b1d4a4a44be575b8d613c5532-Jbunnell]; Schefski, Melissa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c5b5d99a44cd491d99fcca65be54e601-Katz, Melissa]; Miller, Anthony [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22a9c0f41174b28bb0dbf0c5a21a8ef-Miller, Anthony]; Kodish, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1c291cb168784a25b4e3575df4b94915-Kodish, Jeff]
Subject: RE: EPA FOIA Request
Attachments: FOIA Toolkit Appendix .docx

Hi Tahani,

Unfortunately, I don't have any model documents of a still interested letter.

The FOIA Toolkit Appendix (attached) has plenty of sample letters, which can be adapted to incorporate OIP's "Still Interested" Inquiry checklist: <https://www.justice.gov/oip/oip-guidance-7>.

Between the two, you should have the means to craft the letter, though if you need additional assistance, don't hesitate to ask.

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
202-564-1149

From: Rivers, Tahani
Sent: Thursday, May 03, 2018 4:29 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Schefski, Melissa <Schefski.Melissa@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Kodish, Jeff <Kodish.Jeff@epa.gov>
Subject: RE: EPA FOIA Request

All,

To close the loop, we briefed our division director, and he Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5
Attorney Client / Ex. 5

Attorney Client / Ex. 5

Victoria, do you have any model documents we may use to carry out the next steps concerning this option?

Thanks, Tahani

Tahani Rivers, Attorney-Advisor
U.S. Environmental Protection Agency
5 Post Office Square
Mail Code: OES04-3
Boston, MA 02109-3912
Phone Number: 617.918.1299

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All,

FYI, unfortunately Mr. Renshaw has not followed up by phone, as he indicated he'd do below. We'll review with our management later today.

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5
Deliberative Process / Ex. 5

and will be back in touch with the approach they'd like to take.

Thank you,

Tahani

Tahani Rivers, Attorney-Advisor
U.S. Environmental Protection Agency
5 Post Office Square
Mail Code: OES04-3
Boston, MA 02109-3912
Phone Number: 617.918.1299

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Susan Stahle
Attorney-Advisor
Air and Radiation Law Office
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202-564-1272 (ph)
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stahle.susan@epa.gov

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To: Bunnell, Julia <Bunnell.Julia@epa.gov>
Cc: Rivers, Tahani <Rivers.Tahani@epa.gov>
Subject: RE: EPA FOIA Request

Thanks for reaching out, on a few occasions. I promise I will call tomorrow and resolve.

Jarrett Renshaw
National Energy Markets Reporter
Reuters
jarrett.renshaw@thomsonreuters.com
Office: (646) 223-6193
Cell: Personal Matters / Ex. 6
Twitter: Personal Matters / Ex. 6
IM: Personal Matters / Ex. 6

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Cc: Rivers, Tahani
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Thank you.

Julia

Julia Bunnell

Legal Case/Project Manager
Air Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
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In the event that you do not reach Ms. Rivers, please feel free to contact me at the number below or by return e-mail.

Best Regards,

Julia

Julia Bunnell
Legal Case/Project Manager
Air Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
(202) 564-1317

Message

From: No, Fredrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=422039A7A4804D38A105E25F983FD39A-NO, FREDRICK]
Sent: 3/1/2018 3:36:23 PM
To: Hope, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c27b55619fb248cc8776fc46cd3f8b0d-BHope]; Newton, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a0f1a1699564041bd74c49a526c0fe5-Jnewton1]; Farren, Victor [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b4e4ef4434e44bb488ab822e82780809-Farren, Vic]
CC: White, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8af641a6306479c9026142ef3b02bd7-White, Eliz]
Subject: Re: Case Law Examples Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Regards,

Fredrick No

Attorney-Adviser



EPA-18-0447-A-000022

ED_002194_00001603-00002

Environmental Protection Agency

202.564.2793

From: No, Fredrick
Sent: Thursday, March 1, 2018 10:06 AM
To: Hope, Brian; Newton, Jonathan; Farren, Victor
Cc: White, Elizabeth
Subject: Re: Case Law Examples

SHARE

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Regards,

Fredrick No
Attorney-Adviser
Environmental Protection Agency
202.564.2793

From: No, Fredrick
Sent: Thursday, March 1, 2018 10:00 AM
To: Hope, Brian; Newton, Jonathan; Farren, Victor
Cc: White, Elizabeth
Subject: Re: Case Law Examples

Replying to everyone so that we don't send Brian all the same cases. Here's one case from DOJ's OIP site.

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Regards,

Fredrick No
Attorney-Adviser
Environmental Protection Agency
202.564.2793

From: Hope, Brian
Sent: Thursday, March 1, 2018 9:26 AM
To: Newton, Jonathan; No, Fredrick; Farren, Victor
Cc: White, Elizabeth
Subject: Case Law Examples

Team –

Beth and I will be meeting with OGC on Monday, and they've indicated that they want to discuss the question of **Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5**

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Deliberative Process / Attorney Work Product / Attorney-Client / Ex. 5

Thanks in advance for your help on this.

- Brian

Message

From: Newton, Jonathan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A0F1A1699564041BD74C49A526C0FE5-JNEWTON1]
Sent: 3/1/2018 3:35:43 PM
To: No, Fredrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=422039a7a4804d38a105e25f983fd39a-No, Fredrick]; Hope, Brian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c27b55619fb248cc8776fc46cd3f8b0d-BHope]; Farren, Victor [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b4e4ef4434e44bb488ab822e82780809-Farren, Vic]
CC: White, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8af641a6306479c9026142ef3b02bd7-White, Eliz]
Subject: RE: Case Law Examples

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: No, Fredrick
Sent: Thursday, March 01, 2018 10:07 AM
To: Hope, Brian <Hope.Brian@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>; Farren, Victor <Farren.Victor@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>
Subject: Re: Case Law Examples

SHARE

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

Regards,

Fredrick No

Attorney-Adviser

Environmental Protection Agency

202.564.2793

From: No, Fredrick
Sent: Thursday, March 1, 2018 10:00 AM
To: Hope, Brian; Newton, Jonathan; Farren, Victor
Cc: White, Elizabeth
Subject: Re: Case Law Examples

Replying to everyone so that we don't send Brian all the same cases.

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

Regards,

Fredrick No
Attorney-Adviser
Environmental Protection Agency
202.564.2793

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Sent: Thursday, March 1, 2018 9:26 AM
To: Newton, Jonathan; No, Fredrick; Farren, Victor
Cc: White, Elizabeth
Subject: Case Law Examples

Team –

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Attorney Client / Attorney Work Product / Deliberative / Ex. 5

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

- Brian

Thanks in advance for your help on this.

Message

From: Farren, Victor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B4E4EF4434E44BB488AB822E82780809-FARREN, VIC]
Sent: 5/10/2018 8:14:27 PM
To: Kaminer, Joan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1c5b84e37c7402eb469d36f16e4a79d-kaminer, jo]; White, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f8af641a6306479c9026142ef3b02bd7-White, Eliz]
CC: No, Fredrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=422039a7a4804d38a105e25f983fd39a-No, Fredrick]; Newton, Jonathan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a0f1a1699564041bd74c49a526c0fe5-Jnewton1]; Walker, Denise [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b10d83a48a5e4af7a9b1f01465330ff2-Walker, Den]; Rementer, Nicole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8584caffef2b4418b4e6430198c6355b-Rementer, N]; Miller, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2191d964c6bf4e2fb52817bee20213be-Miller, Kevin]
Subject: RE: American Oversight v. EPA Examples

Joan,

To get you started. I haven't pulled the status of all of the ones I listed below

The following is based off an email I sent Kevin Miller back in July, 2017:

Kevin,

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

From: Kaminer, Joan

Sent: Thursday, May 10, 2018 2:15 PM

To: White, Elizabeth <white.elizabeth@epa.gov>

Cc: No, Fredrick <No.Fredrick@epa.gov>; Farren, Victor <Farren.Victor@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>

Subject: American Oversight v. EPA Examples

Beth, As follow up to our conversation earlier, for the declarations in American Oversight v. EPA could you provide any examples of the following:

Attorney Client / Attorney Work Product / Deliberative / Ex. 5

Please let me know if you have any questions.

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

Message

From: Rementer, Nicole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8584CAFFEF2B4418B4E6430198C6355B-REMENTER, N]
Sent: 5/11/2018 12:41:01 PM
To: Kaminer, Joan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1c5b84e37c7402eb469d36f16e4a79d-kaminer, jo]
Subject: RE: this...

Attorney Client / Ex. 5

Nicole M. Rementer

Attorney-Adviser | FOIA Expert Assistance Team (FEAT)
U.S. Environmental Protection Agency | Office of General Counsel
7426NN WJCN | 202.564.3692

From: Kaminer, Joan
Sent: Thursday, May 10, 2018 10:22 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: this...

Attorney Client / Ex. 5

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov